



Entered on Docket  
March 03, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,<sup>1</sup>

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

USA Securities, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR,  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR,  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED, IN WHOLE OR IN PART,  
UPON INVESTMENT IN THE  
ROAM DEVELOPMENT GROUP,  
LP LOAN**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Ninth Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Roam Development Group, LP Loan (the "Objection") [DE 6718]. Adequate notice of the Objection was given. The Court heard the Objection on February 20, 2009. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- The Proofs of Claim listed on Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted principal" arising out of the Roam Development Group, LP Loan that was owed to the claimant.
- The Proofs of Claim listed on Exhibit A attached are disallowed to the extent they were based upon an investment in the Roam Development Group, LP Loan that was repaid to the claimant.
- The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Roam Development Group, LP Loan;
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (#18024)  
 Rob Charles  
 John Hinderaker  
*Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (#18024)  
Rob Charles  
John Hinderaker  
*Attorneys for USACM Liquidating Trust*

**ROAM DEVELOPMENT LOAN  
NINTH OMNIBUS OBJECTION**

**EXHIBIT A**  
**Multiple Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Total Claim Amount Relating to Roam Development Loan</b>	<b>Unremitted Principal</b>	<b>Approximate Amount Subject to Objection</b>
<b>10725-02175</b>	Alan R. and Judith B. Simmons Hwjtws	P.O. Box 13296 South Lake Tahoe, CA 96151-3296	\$593,144.11	\$50,000.00	\$631.36	\$49,368.64
<b>10725-02133</b>	Wilma Jean Thompson	12 Brewster Way Redlands, CA 92373	\$100,268.37	\$50,000.00	\$631.36	\$49,368.64
<b>10725-02163</b>	Marietta Voglis	3333 Allen Prky. Unit 1103 Houston, TX 77019	\$724,292.85	\$50,000.00	\$0	\$50,000.00
<b>10725-00868</b>	Gregory J. and Shauna M. Walch Family Trst Dtd 11/2/04	c/o Gregory J. Walch Trustee 344 Doe Run Cir Henderson, NV 89012-2704	\$500,000.00	\$150,000.00	\$1,894.08	\$148,105.92
<b>10725-01645</b>	Winkler Family Trust Dated 3/13/86	c/o Rudolf Winkler & Carmel Winkler Trustees 10000 Rossbury Pl Los Angeles, CA 90064-4826	\$148,806.00	\$24,417.00	\$0	\$24,417.00
<b>10725-02279</b>	Winkler Family Trust Dtd 3/13/86	Carmel and Rudolf Winkler Trustee 10000 Rossbury Pl Los Angeles, CA 90064	\$605,317.99	\$100,000.00	\$1,262.72	\$98,737.28
<b>10725-02299</b>	Zawacki, a California LLC	P.O. Box 5156 Bear Valley, CA 95223-5156	\$1,500,000.00	\$290,000.00	\$3,661.89	\$286,338.11